

Mobile Marketer Quotes Partner Andrea L. Calvaruso on "App Store" Trademark

January 13, 2011

Partner Andrea L. Calvaruso was interviewed in the *Mobile Marketer* article, "Apple, Microsoft Go to Battle over App Store Trademark." The article reviewed Microsoft's lawsuit to block Apple's attempts to obtain a trademark for the term "app store." Apple claims it was the first to market under the term "app store," spending millions of dollars in advertising. Microsoft claims "app" and "store" are common generic terms and that "app store" is a commonly used term.

Ms. Calvaruso reviewed arguments for both Apple and Microsoft. She defined "generic mark," analyzing usage of the words "app store." Ms. Calvaruso noted that Microsoft claimed "app store" is generic and everyone who creates applications will be harmed if Apple gets the trademark for those words. She said if the term is generic, Apple may have been the first company to use "app store." However, if as Microsoft alleged, everyone uses the term "app" to mean "application," and Apple hasn't used it exclusively, then Apple could have a hard time obtaining the trademark it seeks.